

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11160 of 2021

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Harishchandra Rai Son of Devsaran Rai, resident of Village-Manikthar, P.O.-
Malahi, P.S. Bela, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District-Sitamarhi.
4. The District Panchayat Raj Officer, Sitamarhi, District-Sitamarhi.
5. The District Treasury Officer, Sitamarhi, District-Sitamarhi.
6. The Block Development Officer, Sursand, District-Sitamarhi.
7. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Respondent/s : Mr. Anwar Karim (AC to GP 10)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-11-2022

Heard Mr. Anil Chandra, learned counsel appearing
on behalf of the petitioner and Mr. Anwar Karim, learned AC to
GP 10.

2. The present application has been filed seeking a
direction upon the respondent for release of the monthly pension
of the petitioner, as fixed by the Accountant General (A & E)
Bihar, Patna as also arrears of pension along with the interest.

3. It is submitted on behalf of the learned counsel for the
petitioner that the petitioner superannuated from the post of
Panchayat Sachiv, Sursand Block Office, in the district of
Sitamarhi on 31.08.2012. It is further submitted that on account of



certain charges, the petitioner was put to a departmental proceeding, however, later on, the department has dropped the proceeding in the year 2018, itself. He further submitted that vide Letter No. 1901 dated 24.09.2011 the Block Development Officer, Sonbarsa had informed to the petitioner with regard to some dues against the petitioner and accordingly, the same was also deposited at Nazarath Sursand Block on 26.03.2019, itself. He next contended that during the pendency of this writ application, the pension of the petitioner has been started and he has also been allowed the arrears of pension already fixed by the respondent Accountant General, Bihar. Now, only grievance remains with the petitioner is interest over the delayed payment, as the petitioner superannuated, way back in the year 2012, itself.

4. On the other hand, learned counsel for the State by referring to the averments made in the counter affidavit submits that as the departmental proceeding was pending against the petitioner and there was certain dues, hence after issuance of 'No Objection Certificate' the pension has been released in favor of the petitioner and the same has been paid through 'CFMS' vide token no. SMR20210706368 dated 22.07.2021.

5. Having heard the learned counsel for the parties and after considering the materials available on record, this writ



application is disposed of, with a direction to District Panchayat Raj Officer, Sitamarhi to consider the claim of the petitioner for interest over the delayed payment.

6. It is needless to say that if such a representation is filed within a period of four weeks from today along with materials/order in support of his claim for interest before the respondent no. 4, the same would be considered and disposed of by a reasoned and speaking order, preferably within a period of further eight weeks. If the claim of the petitioner would find favor, the necessary order for payment shall be passed within the aforesaid period.

7. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2022.
Transmission Date	NA

